

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-CV-60050-LEIBOWITZ/AUGUSTIN-BIRCH

JANE DOE, individually and as the parent
and natural guardian of A.K., a minor child,

Plaintiff,

v.

MSC CRUISES S.A.,

Defendant.

**REPORT AND RECOMMENDATION ON PLAINTIFF'S UNOPPOSED
MOTION FOR APPROVING SETTLEMENT OF THE MINOR'S CLAIMS**

This cause comes before the Court on Plaintiff Jane Doe's Unopposed Motion for Approving Settlement of the Minor's Claims. DE 40. The Honorable David S. Leibowitz, United States District Judge, referred the Motion to the undersigned United States Magistrate Judge for appropriate disposition. DE 41. Plaintiff filed a copy of the Settlement Agreement under seal. DE 43. The Court held a sealed hearing on the Motion on April 14, 2025. The Court has carefully considered the Motion, the Settlement Agreement, the arguments that counsel made during the sealed hearing, and the record and is otherwise fully advised in the premises. The Court recommends that the Motion [DE 40] be **GRANTED** and that the Settlement Agreement [DE 43] be **APPROVED**.

Plaintiff filed this case individually and as the parent and natural guardian of A.K., a minor child. DE 1. Plaintiff alleged in the Complaint that, in January 2023 when A.K. was six years' old, A.K. was assaulted on a cruise ship Defendant MSC Cruises S.A. operated, and Defendant was negligent in failing to prevent the assault. *Id.* The parties subsequently settled the claims that

Plaintiff brought on A.K.'s behalf. DE 39. Because A.K. is still a minor, Plaintiff moves for the Court's approval of the Settlement Agreement, and the Court permitted the Settlement Agreement to be filed under seal to maintain confidentiality. DE 40; DE 42; DE 43. Plaintiff explains in the Motion that the settlement proceeds will be placed into an account and that a financial firm is assisting in setting up that account and developing an investment strategy. DE 40 at 2. During the sealed hearing, counsel for each party made additional arguments why the Settlement Agreement is in A.K.'s best interest and should be approved and why the appointment of a guardian ad litem is unnecessary.

Based on the parties' arguments and the Court's own review of the record, the Court finds that the Settlement is fair, reasonable, and in A.K.'s best interest. Accordingly, the Court recommends that Plaintiff's Unopposed Motion for Approving Settlement of the Minor's Claims [DE 40] be **GRANTED** and that the Settlement Agreement [DE 43] be **APPROVED**.

Within fourteen days after being served with a copy of this Report and Recommendation, any party may serve and file written objections to any of the above findings and recommendations. 28 U.S.C. § 636(b)(1); S.D. Fla. Mag. R. 4(b). The parties are hereby notified that a failure to timely object waives the right to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions contained in this Report and Recommendation. 11th Cir. R. 3-1.

DONE AND SUBMITTED in Chambers at Fort Lauderdale, Florida, this 28th day of April, 2025.



PANAYOTTA AUGUSTIN-BIRCH
UNITED STATES MAGISTRATE JUDGE